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EXAMINER

ZHAO, DAQUAN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,341	Applicant(s) ITOH ET AL.	
	Examiner DAQUAN ZHAO	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/12/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/3/2009 have been fully considered but they are not persuasive.
2. Applicant argues, see page 9 of the remark, Nakamura et al fail to teach reading control section determines the predefined size by the amount of time it takes to skip the non-content-data area, reads the content data of the predefined size, accumulates the data in the buffer memory, and then gives an instruction to start to playback the content. The examiner disagrees.
3. Nakamura et al teach, in paragraphs 118- 119, "...the data can be supplied continuously to the decoder 106 by consuming the amount of data B(t2) accumulated in the track buffer 103 during the time period from the time t2 up to the time t3 (or the position a3) when reading of the data starts. In other words, if a certain amount of data or more is read out securely before seek, AV data can be supplied continuously Even if the seek occurs..." Figure 5(a) shows how data is recorded into or seek from the optical disk. When area A1, which data is recorded, is seek, the amount of data accumulated in the track buffer B(t2) during the time period from t1 to t2. When the optical head skip from area from a2 to a3 because there's no data recorded, the amount of data B(t2) is readout from the track buffer to the decoder during the corresponding time period from t2 to t3 when skipping of the seek action happens. After time t3 data from area A2 must be accumulated in the track buffer again to enable continuous reproduction of AV data. Therefore, the teaching of Nakamura et al reads on "reading control section determines

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the predefined size by the amount of time it takes to skip the non-content-data area, reads the content data of the predefined size, accumulates the data in the buffer memory, and then gives an instruction to start to playback the content.”

Applicant did not specify “to read the content data of predefined size from the data area” of the same storage medium or from another storage medium (buffer). Applicant can overcome the 35 U.S.C 102 rejections by amending the claim "to read the content data of predefined size from the data area of **the (same) storage medium**".

Priority

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 7/30/2003. It is noted, however, that applicant has not filed a certified copy of the 2003-282589 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al (US 2004/0,019,681 A1).

For claim 1, Nakamura et al teach a data processor for reading content data from a continuous area on a storage medium and playing back video and/or audio based on the content data, the continuous area including a data area, in which the content data is stored, and a non-content-data area, in which the content data is not stored (e.g. figures 4-5, paragraph 115, the examiner considers the DVD recorder as the claimed data processor, The examiner also consider the data area from a1 to a3 of figure 5 (a) as the claimed continuous area, wherein area from a1 to a2 corresponds to the data area and area from a2 to a3 corresponds to the non-content-data area), the data processor comprising:

a reading control section for giving an instruction to read the content data of a predefined size from the data area and an instruction to start to play back the video and/or the audio based on the content data that has been read out (e.g. paragraph 119, area from a1 to a2 corresponds to the predefined size, the reading of the data has to be according to an instruction, and the instruction can be initiated from the user by using the remote controller as shown in figure 3);

a head for reading the content data from the data area in accordance with the instruction to read (e.g. paragraphs 115-116, optical pickup 101); and

a buffer memory for accumulating the content data that has been read (e.g. paragraph 115-116, track buffer 103),

wherein the reading control section determines the predefined size by the amount of time it takes to skip the non-content-data area, reads the content data of the predefined size, accumulates the data in the buffer memory, and then gives an

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instruction to start to play back the content (e.g. paragraph 119 data is accumulated in the track buffer during the reading period from t_1 to t_2 or a size of the area from a_1 to a_2 , in paragraphs 118- 119, "...the data can be supplied continuously to the decoder 106 by consuming the amount of data $B(t_2)$ accumulated in the track buffer 103 during the time period from the time t_2 up to the time t_3 (or the position a_3) when reading of the data starts. In other words, if a certain amount of data or more is read out securely before seek, AV data can be supplied continuously Even if the seek occurs..." Figure 5(a) shows how data is recorded into or seek from the optical disk. When area A_1 , which data is recorded, is seek, the amount of data accumulated in the track buffer $B(t_2)$ during the time period from t_1 to t_2 . When the optical head skip from area from a_2 to a_3 because there's no data recorded, the amount of data $B(t_2)$ is readout from the track buffer to the decoder during the corresponding time period from t_2 to t_3 when skipping of the seek action happens. After time t_3 data from area A_2 must be accumulated in the track buffer again to enable continuous reproduction of AV data.).

Claims 7, 8 and 14 are rejected for the same reasons as discussed in claim 1 above.

For claims 2 and 9, Nakamura et al teach reading control section determines the predefined size by a data read rate at which the content data is read (e.g. paragraph 116 and 119 reading rate V_a is fixed).

For claims 3 and 10, Nakamura et al teach the content data is encoded data representing the video and/or the audio, and wherein the data processor further includes a decoding section for reading the content data of the predefined size from the

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buffer memory and decoding the content data in accordance with the instructions given by the reading control section (e.g. paragraph 115 and figure 4, decoder 106).

For claims 4, Nakamura et al teaches the minimum area length of the continuous area is determined by a data read rate, which has been defined based on a required data rate to play back the content and on a unit time to perform the playback, and by the size of extra data to be accumulated in the buffer memory, and wherein the size of the extra data is determined by a data size, which has been defined on the longest seek time it takes to reach the next continuous area and a data rate required for playback during the longest seek time, and by the predefined size (e.g. paragraph 119, the data read rate V_a determines $B(t_2)$ which is the amount of data accumulated in the track buffer, wherein the data read out from area from a_1 - a_2 corresponds to $B(t_2)$, the extra data from area a_3 to a_4 can be accumulated in the buffer memory after time t_3 , since Nakamura et al teach "AV data can be continuously reproduced by supplying data stored in the track buffer to the decoder 106 during the period of seeking from a_2 to a_3 , it must defined a minimum area length according to the read rate V_a , otherwise, the AV data can not be continuously reproduced).

For claim 11 Nakamura et al teaches the minimum area length of the continuous area is determined by a read data size, which has been defined based on a required data rate to play back the content and on a unit time to perform the playback, and by the size of extra data to be accumulated in the buffer memory, and wherein the size of the extra data is determined by a data size, which has been defined on the longest seek time it takes to reach the next continuous area and a data rate 20 required for playback

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during the longest seek time, and by the predefined size (e.g. paragraph 119, the data read rate V_a determines $B(t_2)$ which is the amount of data accumulated in the track buffer, wherein the data read out from area from a_1 - a_2 corresponds to $B(t_2)$, the extra data from area a_3 to a_4 can be accumulated in the buffer memory after time t_3 , since Nakamura et al teach "AV data can be continuously reproduced by supplying data stored in the track buffer to the decoder 106 during the period of seeking from a_2 to a_3 , it must defined a minimum area length according to the read rate V_a , otherwise, the AV data can not be continuously reproduced).

For claims 5 and 13, Nakamura et al teach the non-content-data area includes at least one of a defective area, of which the area length corresponds to at most a permissible defect rate for the continuous area, and a data area including data other than the content data (e.g. paragraph 120).

For claims 6 and 12, Nakamura et al teaches the continuous area has an area length that is at least equal to the minimum area length (e.g. figure 5, the examiner considers area from a_1 to a_2 is at least equal to the minimum area length because Nakamura et al teach "AV data can be continuously reproduced by supplying data stored in the track buffer to the decoder 106 during the period of seeking from a_2 to a_3 , it must defined a minimum area length according to the read rate V_a , otherwise, the AV data can not be continuously reproduced).

There's no new ground(s) of rejection. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621